

EXHIBIT A



COMMONWEALTH of VIRGINIA

POST OFFICE BOX 2452

Secretary of the Commonwealth

RICHMOND, VIRGINIA 23218-2452

NOTICE OF SERVICE OF PROCESS

Nicholas W. Kackley
205 Wenona Drive
Washington, MO 63090

10/7/2020

Basil J. Triscari

vs.

Nicholas W. Kackley

Summons and Complaint

**Plaintiff's First Set of Interrogatories and Request for Production to
Defendant**


Dear Sir/Madam:

You are being served with the enclosed notice under section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process.

If you have any questions about the matter, PLEASE contact the CLERK of the enclosed/below mentioned court or any attorney of your choice. Our office does not accept payments on behalf of debts. The Secretary of the Commonwealth's ONLY responsibility is to mail the enclosed papers to you.

COURT:

Richmond City Circuit Court
John Marshall Court Building
400 North 9th Street
Richmond, VA 23219


Service of Process Clerk
Secretary of the Commonwealth's
Office

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Case No. CL20004484-00

CITY OF RICHMOND

Circuit Court

BASIL J. TRISCARI

v.

NICHOLAS W. KACKLEY

205 Wenona Drive

Washington, MO 63090

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☐ Summons and Complaint☐ Notice☐ Plaintiff's First Set of Interrogatories and Request For Production to Defendant

I, the undersigned Affiant, state under oath that

☒ the above-named defendant ☐ whose last known address is ☒ same as above ☐1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

[] is the hearing date and time on the attached process or notice (if applicable).

9/22/2020

DATE

☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYEEState of Virginia ☐ City ☒ County of Henrico

Acknowledged, subscribed and sworn to before me this day by Andrea J. Cugur

9/22/2020

DATE

☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLIC

Notary Registration No. My commission expires: 5/31/2021

☒ Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.**NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

SEP 30 2020

1. On _____, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.

OCT 09 2020

2. On _____, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Richmond

Basil J. Triscari
PLAINTIFF(S)

RECEIVED AND FILED

CIRCUIT COURT Case No.

SEP 14 2020 2:50

(CLERK'S OFFICE USE ONLY)

Circuit Court

EDWARD E. JEWETT, CLERK
BY *[Signature]* D.C.Nicholas W. Kackley, and
DEFENDANT(S)
Bocking Escort, LLC

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☒ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construc
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration - Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights - Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 785,000.00 are claimed.

09/14/2020
DATEAndrea Jefferson Goiger
PRINT NAME6806 Paragon Place, Suite 100, Richmond, VA 23230
ADDRESS/TELEPHONE NUMBER OF SIGNATOR
(804) 358-2200

ageiger@joelbicher.com

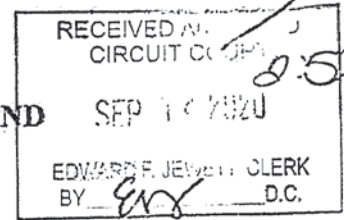
EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 07/16

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☐ PLAINTIFF
☐ DEFENDANT

***Contested** divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND



BASIL J. TRISCARI,

Plaintiff,

v.

Civil Action No: _____
JURY TRIAL DEMANDED

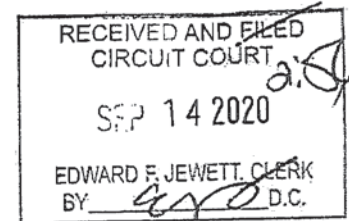
NICHOLAS W. KACKLEY,

SERVE: Nicholas W. Kackley
Serve On: Office of the Secretary of the Commonwealth
Service of Process Department
1111 E. Broad St., #4
Richmond, VA 23219

and

BOCKTING ESCORT, LLC,

SERVE: Bockting Escort, LLC
Attn: BBPA, Inc., Registered Agent
Serve On: Office of the Secretary of the Commonwealth
Service of Process Department
1111 E. Broad St., #4
Richmond, VA 23219



Defendants.

COMPLAINT

COMES NOW the Plaintiff, Basil J. Triscari, by counsel, and moves for judgment against the Defendants Nicholas W. Kackley and Bockting Escort, LLC, jointly and severally, on the grounds and in the amount as set forth:

Count I: Negligence of Defendant Kackley

1. Plaintiff, Basil J. Triscari, ("Plaintiff") is a resident of Pennsylvania.
2. Defendant, Nicholas W. Kackley, ("Defendant Kackley"), at all times relevant to the matters alleged herein, is a resident of Franklin County, Missouri.

3. Defendant, Bockting Escort, LLC (“Defendant Bockting”) is upon information and belief a limited liability company formed and with its principal place of business in Union, Missouri.

4. At all times relevant in this action, Defendant Bockting was the owner of a 2017 Chevrolet Silverado bearing Missouri license plate number 64B2BN.

5. At all times relevant in this action, Defendant Kackley was an agent, servant and employee of Defendant Bockting operating its Silverado on the highways of the Commonwealth of Virginia.

6. At all times relevant in this action, Defendant Kackley was acting within the course and scope of his agency and employment and about the business of Defendant Bockting.

7. On September 29, 2018, the Defendants caused personal injury to Plaintiff within the Commonwealth of Virginia.

8. This Court has personal jurisdiction over the parties and venue is proper in this court where both defendants are served pursuant to Virginia Code § 8.01-262(2).

9. On or about the 29th day of September, 2018, Plaintiff Basil J. Triscari was driving his vehicle northbound in the left lane of Interstate 81 at or near mile marker number 269, in Shenandoah County, Virginia.

10. At the same time and place aforesaid, Defendant Kackley, was driving a 2017 Chevrolet Silverado northbound in the right lane of Interstate 81 behind Plaintiff.

11. At all times relevant in this action, Defendant Kackley had a duty to operate his vehicle with reasonable care and with due regard for safety of others using the road.

12. Notwithstanding these duties, Defendant Kackley carelessly, recklessly, and negligently crashed into the side of the vehicle driven by Plaintiff, Basil J. Triscari, causing

significant damage.

13. Defendant Kackley's negligence included, but was not limited to, the following:

- (a) Failed to keep a proper lookout;
- (b) Failed to give full time and attention to the operation of his vehicle;
- (c) Failed to maintain his vehicle under proper control;
- (d) Failed to stay in his lane of travel;
- (e) Made an improper and unsafe lane change into an occupied lane in violation

of Virginia Code § 46.2-804(2);

(f) Crashed into the side of Plaintiff's vehicle causing a violent, high-speed impact.

14. As a direct and proximate result of Defendant Kackley's negligent and reckless conduct in causing this crash, Plaintiff Basil J. Triscari, has sustained serious and permanent injuries; has suffered and will continue to suffer great pain of body and mind; has sustained physical limitations, mental anguish and emotional injury; has suffered inconvenience and has been prevented from transacting his business; and has incurred and will continue to incur in the future, hospital, doctor and related bills in an effort to be cured of said injuries; and has suffered other damages.

15. As a direct and proximate result of Defendant Kackley's negligent and reckless conduct in causing this crash, Plaintiff Basil J. Triscari, has incurred property damage resulting in diminution in value of his 2018 BMW.

Count II: Negligence of Defendant Bockting Escort, LLC

16. Plaintiff incorporates by reference, realleges and repleads the allegations of paragraphs 1-15 of Count I as if fully set forth herein.

17. Defendant Bockting is liable for the negligent conduct of Defendant Kackley under the doctrines of respondeat superior, master-servant liability and agency.

18. As a direct and proximate result of the negligence of Defendant Bockting Escort LLC, by and through Defendant Kackley, in causing the crash, Plaintiff, Basil J. Triscari, has sustained serious and permanent injuries; has suffered loss of wages; has suffered and will continue to suffer great pain of body and mind; has sustained physical limitations, mental anguish and emotional injury; loss of enjoyment of life; has suffered inconvenience and has been prevented from transacting his business; has incurred and will continue to incur in the future, hospital, doctor and related bills in an effort to be cured of said injuries; and has suffered other damages.

19. As a direct and proximate result of the negligence of Defendant Bockting Escort LLC, by and through Defendant Kackley, in causing the crash, Plaintiff Basil J. Triscari, has incurred property damage resulting in diminution in value of his 2018 BMW.

WHEREFORE, Plaintiff, Basil J. Triscari, by counsel, moves this Court for judgment against the Defendants, Nicholas W. Kackley and Bockting Escort, LLC, jointly and severally, in the amount of \$785,000.00 for compensatory damages, plus the cost of these proceedings, and pre and post judgment interest from September 29, 2018.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Basil J. Triscari

By: 
Of Counsel

Andrea J. Geiger, Esq. (VSB# 65476)
The Joel Bieber Firm
6806 Paragon Place, Suite 100
Richmond, VA 23230
(804) 358-2200
Counsel for Plaintiff

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

BASIL TRISCARI,

Plaintiff,

v.

Case No. CL20004484-00

NICHOLAS W. KACKLEY AND
BOCKTING ESCORT LLC,

Defendants.

28 U.S.C. § 1446(d) NOTICE OF FILING NOTICE OF REMOVAL

To: Clerk, Circuit Court for the City of Richmond

PLEASE TAKE NOTICE that, pursuant to 24 U.S.C. § 1446(d), a Notice of Removal was filed on October 30, 2020 in the United States District Court for the Eastern District of Virginia, Richmond Division with respect to the above-captioned matter. A copy of the Notice of Removal is attached. This notice effectuates the removal of this action to the United States District Court and operates to stay all further proceedings in this Circuit Court.

**NICHOLAS WILLIAM KACKLEY
AND BOCKTING ESCORT LLC**

By Counsel



Caroline L. Callahan (VSB No. 88497)
Harman, Claytor, Corrigan & Wellman
1900 Duke Street, Suite 210
Alexandria, Virginia 22314
804-747-5200 - Phone
804-747-6085 - Fax
ccallahan@hccw.com

C E R T I F I C A T E

I hereby certify that a true copy of the foregoing was sent via mail and email this
__30th__ day of October, 2020 to:

Andrea J. Geiger, Esq.
The Joel Bieber Firm
6806 Paragon Place, Suite 100
Richmond, VA 23230
ageiger@joelbieber.com



Caroline L. Callahan